

**AN ORDINANCE**

**BY COUNCILMEMBER[S]**

**AUTHORIZING THE ABANDONMENT OF OBSOLETE WATER AND SEWER EASEMENTS ON PROPERTY OWNED BY ATLANTIC STATION, L.L.C. IN LAND LOTS 108, 148 AND 149 OF THE 17TH DISTRICT OF FULTON COUNTY; ACKNOWLEDGING AND ACCEPTING DEDICATION OF SEWER EASEMENTS FOR THE NEW STORM AND SANITARY SEWER SYSTEM CONSTRUCTED BY ATLANTIC STATION, L.L.C.; AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND INSTRUMENTS; AND FOR OTHER PURPOSES.**

WHEREAS, Atlantic Station L.L.C. ("Atlantic Station") owns certain real property within the Atlantic Steel Brownfield Redevelopment Area and Tax Allocation District in Land Lots 108, 148, and 149 of the 17th District of Fulton County, Georgia (the "Property"); and

WHEREAS, the City of Atlanta has adopted a Redevelopment Plan for redevelopment of the abandoned steel mill site into a "live-work-play" community of residences, offices, retail and entertainment establishments, and hotels; and

WHEREAS, Atlantic Station has begun constructing the infrastructure necessary to support the new development; and

WHEREAS, the stormwater and wastewater conveyance systems existing on the Property at the time of adoption of the Redevelopment Plan were deteriorated, undersized, or both, and were not suitable for the planned redevelopment; and

WHEREAS, the open combined sewer within the Property was the only known open sewer within the City's collection system that received no disinfection; and

WHEREAS, Atlantic Station designed and constructed separate storm sewer and wastewater conveyance systems on the Property to convey upstream flows plus on-site generated stormwater and wastewater loads safely through the site; and

WHEREAS, stormwater is now conveyed through an 8-foot by 8-foot concrete box culvert, which is sized for the drainage basin plus the anticipated Atlantic Station development; and

WHEREAS, the 8-foot by 8-foot box culvert was designed so that it can become part of a separated sanitary and stormwater collection system to be constructed and operated by the City; and

WHEREAS, a separate 36-inch sewer was designed and constructed to convey the wastewater flows from the existing 24-inch sanitary sewer upstream of the development plus the wastewater loads anticipated from the Atlantic Station development; and

WHEREAS, the design of the new stormwater and wastewater conveyance systems was reviewed extensively by the City of Atlanta and the Georgia Environmental Protection Division to ensure that the improvements meet the intent of the CSO consent order, and was approved by both agencies and recognized by EPD as the City's first step in responding to the consent order with capital improvements; and

WHEREAS, the City holds easements on the Property for stormwater, sanitary, and combined sewer flow, but in some cases these easements were not defined and recorded in the real property records of Fulton County; and

WHEREAS, that certain water line located on the Property, an easement for which is recorded at Fulton County Deed Book 3880, Page 147, is no longer needed and has been removed; and

WHEREAS, a water line previously existed in the portion of the right-of-way of Mecaslin Street that was abandoned in the mid-1900s but has now been relocated; and

WHEREAS, the City and Atlantic Station now desire to terminate certain water and sewer easements the City may hold; and

WHEREAS, Atlantic Station desires to dedicate, and the City desires to accept, easements for the new 36-inch sanitary sewer and 8-foot by 8-foot box culvert.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1. The City of Atlanta hereby abandons all rights with respect to any sanitary sewer mains, combined sewer mains, storm drainage pipes, natural storm drainage channels, storm water ponds, and process water ponds located on the Property, and any and all easements, whether recorded or prescriptive, it may hold to said systems and facilities. While the exact width of said easements cannot be determined, a representation of the recorded easements, which was prepared based on field measurements and City practices and policies, is shown on Exhibit "A," which is attached to this ordinance for reference.

Section 2. The City hereby abandons the temporary sewer construction easement [but not the permanent easement] recorded in Fulton County Deed Book 19535, Page 333.

Section 3. The City hereby abandons any rights the City may have with respect to the 40 foot and 20 foot private sewer easements leading from the Norfolk Southern right-of-way as shown on Exhibit "A."

Section 4. The City hereby abandons the easement recorded in Fulton County Deed Book 3880, Page 417 for an obsolete water line that has been removed.

Section 5. The City hereby abandons any rights it may have to a water line formerly located in the segment of Mecaslin Street that was abandoned to the adjacent property owner in the mid-1900s.

**Section 6.** The City hereby accepts dedication from Atlantic Station of the sewer easements depicted and described on Exhibit "B" attached to this ordinance and incorporated herein by reference.

**Section 7.** The Mayor is authorized to execute any documents and instruments necessary to accomplish the abandonments and dedications set forth in Sections 1. – 6.

**Section 8.** The City Attorney is authorized to prepare all necessary documents and instruments and to record all documents in the records of Fulton County as required.

**Section 9.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

01-C -1900

(Do Not Write Above This Line)

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BY COUNCILMEMBER

*Richard R. [Signature]*

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- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 11/5/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION